

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAE ANDERSON BULLARD and
ROCKWOOD W. BULLARD III,

Plaintiffs,

vs.

Case No. 09-CV-12839
HON. GEORGE CARAM STEEH

INDYMAC BANK FSB, et al.,

Defendant.

_____/

ORDER DEEMING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT AND TO DISMISS AS WITHDRAWN (# 18).
WITHOUT PREJUDICE

Plaintiffs filed a motion for partial summary judgment and to dismiss on October 2, 2009, seeking to invalidate a mortgage because plaintiff Rockwood Bullard, as plaintiff Rae Bullard's husband, did not sign the subject mortgage. The court has entered three prior Stipulated Orders extending the briefing schedules for the filing of response and reply briefs. See Stipulated Orders filed on October 21, 2009, November 13, 2009, and November 30, 2009. A hearing on the motion is currently scheduled for March 18, 2010.

The parties have now submitted a fourth proposed Stipulated Order advising the court that Rockwood Bullard's deposition was continued on January 12, 2010, and that the parties contemplate filing discovery motions for a protective order and motion to compel. The parties continue that the plaintiffs' "depositions need to be concluded prior to further briefing on Plaintiffs' Motion for Summary Judgment," and that "the parties are not certain when the depositions will be held and, therefore seek[] to adjourn the briefing schedule and

hearing date to dates to be determined at a future time[.]"

The parties agree that further discovery is needed before plaintiffs' pending motion for summary judgment can be heard, and have agreed to conduct this discovery. The schedule for this discovery remains unknown. Supplemental briefing on the current motion for summary judgment would be required after discovery is fully developed. The court's September 10, 2009 Scheduling Order provides for a discovery cut-off of June 1, 2010, and a dispositive motion cut-off of July 1, 2010. Consistent with the parties' agreements and the September 10, 2009 Scheduling Order,

Plaintiffs' October 2, 2009 motion for partial summary judgment and to dismiss is hereby deemed WITHDRAWN, without prejudice, and accordingly, the current March 18, 2010, hearing date is hereby ADJOURNED without date. By subsequent notice to the court, plaintiffs may reopen the motion, consistent with the contemplated discovery, the parties' instant proposed Stipulated Order and briefing schedule, and the court's September 10, 2009 Scheduling Order.

SO ORDERED.

Dated: January 20, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 20, 2010, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk